

Arkansas State Archives

Arkansas Digital Archives

[Arkansas Constitutions](#)

[State Government Records](#)

1868 Arkansas Constitution

Arkansas Constitutional Convention

Follow this and additional works at: <https://digitalheritage.arkansas.gov/constitutions>



Part of the [United States History Commons](#)

Recommended Citation

1868 Arkansas Constitution, Arkansas State Archives, Little Rock, Arkansas.

Use and reproduction of images held by the Arkansas State Archives without prior written permission is prohibited. For information on reproducing images held by the Arkansas State Archives, please call 501-682-6900 or email at state.archives@arkansas.gov.

CONSTITUTION ((THE))
OF THE STATE OF ARKANSAS



As Adopted by the Convention
February 11th, 1868,

(Preamble)

We, the people of Arkansas, grateful to God for our civil and religious liberty and desiring to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this Constitution:



ARTICLE I

BILL OF RIGHTS

Section One. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it. But the paramount allegiance of every citizen is due to the Federal Government in the exercise of all its Constitutional powers as the same may have been or may be defined by the Supreme Court of the United States; and no power exists in the people of this or any other State of the Federal Union to dissolve their connection therewith, or perform any act tending to impair, subvert or resist the supreme authority of the United States. The Constitution of the United States confers full power on the Federal Government to maintain and perpetuate its existence, and whosoever any portion of the States, or the people thereof, attempt to secede from the Federal Union, or forcibly resist the execution of its laws, the Federal Government may, by warrant of the Constitution, employ armed force in compelling obedience to its authority.

Section Two. The liberty of the press shall forever remain inviolate. The free communication of thoughts and opinions is one of the invaluable rights of man, and all persons may freely speak, write and publish their sentiments on all subjects, being responsible for the abuse of such right. In all criminal prosecutions for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury, that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted.

Section Three. The equality of all persons before the law is recognized and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege or immunity, nor exempted from any burden or duty, on account of race, color or previous conditions.

Section Four. The citizens have a right, in a peaceable manner, to assemble together for their common good, to instruct their representatives and to petition for the redress of grievances, and other proper purposes.

Section Five. The citizens of this State shall have the right to keep and bear arms for their common defense.

Section Six. The right of trial by jury shall remain inviolate and shall stand to all cases at law without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases, in the manner prescribed by law.

Section Seven. Excessive bail shall not be required, nor shall excessive fines be imposed; nor shall cruel or unusual punishments be inflicted; nor witnesses be unreasonably detained.

Section Eight. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the county or judicial district wherein the crime shall have been committed— which county or district shall have been previously

ascertain by law—and to be informed of the nature and cause of the accusation against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel in his defense.

Section Nine. No person shall be held to answer a criminal offense unless on the presentment or indictment of a grand jury, except in cases of impeachment or in cases of petit larceny, a assault, a assault and battery, affray, vagrancy and such other minor cases as the General Assembly shall make cognizable by Judges of the Peace; or arising in the army or navy of the United States, or in the militia when in actual service in time of war or public danger; and no person after having been once acquitted by a jury for the same offense, shall be again put in jeopardy of life or liberty; but if, in any criminal prosecution, the jury be divided in opinion, the court before which the trial shall be had may in its discretion discharge the jury and commit or bail the accused for trial at the same or the next term of said court; nor shall any person be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property, without due process of law. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses—murder and treason—when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require.

Section Ten. Every person is entitled to a certain remedy in the laws for all injuries or wrongs which he may receive in his person, property or character; he ought to obtain justice freely and without purchase; completely and without denial; promptly and without delay; conformably to the laws.

Section Eleven. Treason against the State shall only consist in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Section Twelve. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

Section Thirteen. No bill of attainder, or post facto law, or any law impairing the obligation of contracts, shall ever be passed; and no conviction shall work corruption of blood or forfeiture of estate.

Section Fourteen. No person shall be imprisoned for debt in this State; but this shall not prevent the General Assembly from providing for imprisonment or holding in bail persons charged with fraud in contracting said debt. A reasonable amount of property shall be exempt from seizure or sale for the payment of debts or liabilities.

Section Fifteen. Private property shall not be taken for public use without full compensation therefor.

Section Sixteen. The military shall be subordinate to the civil power. No standing army shall be kept up in this State in time of peace, and no soldier shall in time of peace be quartered in any house, without the consent of the owner, nor in time of war but in a manner prescribed by law.

Section Seventeen. Trials may be brought by or against the State in such manner, and in such courts as may be by law provided.

Section Eighteen. The General Assembly shall not grant to any citizen or class of citizens, privileges or immunities, which upon the same terms shall not equally belong to all citizens.

Section Nineteen. The right of suffrage shall be protected by laws regulating elections, and prohibiting under adequate penalties all undue influence from bribery or other improper conduct.

Section Twenty. Foreigners who are or may become, bona fide residents of this State, shall be secured the same rights in respect to the acquisition, possession, enjoyment and descent of property as are secured to native born citizens.

Section Twenty One. No religious test, or amount of property, shall ever be required as a qualification for any office of public trust under the State. No religious test, or amount of property, shall ever be required as a qualification of any voter at any election in this State; nor shall any person be rendered incompetent to give evidence in any court of law or equity in consequence of his opinion upon the subject of religion; and the mode of administering an oath or affirmation shall be such as shall be most consistent with, and binding upon the conscience of the person soaking such oath or affirmation may be administered.

Section Twenty Two. Any person who shall, after the adoption of this Constitution, fight a duel or lead or accept a challenge for that purpose, or be aider or abettor in fighting a duel, either within this State or elsewhere, shall thereby be deprived of the right of holding any office of honor or profit in this State, and shall be forever disqualified from voting at any election, and shall be punished otherwise in such manner as may be prescribed by law.

Section Twenty Three. Religion, morality and knowledge being essential to good government, the General Assembly shall pass suitable laws to protect every religious denomination in the peaceful enjoyment of its own mode of public worship; and to encourage schools and the means of instruction.

Section Twenty Four. All lands in this State are declared to be allodial, and feudal tenures of every description, with all their incidents, are prohibited. Leases and grants of land for a longer period than twenty-one years, hereafter made, in which shall be reserved any rent or service of any kind, shall be held a conveyance in fee to the lessor.

Section Twenty Five. The action of the Convention of the State of Arkansas, which assembled in the city of Little Rock on the fourth (4th) day of March, A.D. one thousand eight hundred and sixty-one (1861), was, and is null and void. All the action of the State of Arkansas under the authority of said Convention, of its Ordinances or its Constitution, whether legislative, executive, judicial or military, was, and is hereby declared null and void; and no debt or liability of the State of Arkansas incurred by the action of said Convention, or of the General Assembly, or any department of the government under the authority of either, shall ever be recognized as obligatory; Provided, that this Ordinance shall not be so construed as to affect the rights of private individuals arising under contracts between the parties, or to change county boundaries or county seats, or to make invalid the acts of Judges of the Peace, or other officers in their authority to administer oaths, or take and certify the acknowledgments of deeds of conveyance, or other instruments of writing, or in the solemnization of marriage.

ARTICLE 11 BOUNDARIES

We do declare and establish, ratify and confirm, the following as the permanent boundaries of said State of Arkansas, that is to say: Beginning at the middle of the main channel of the Mississippi River, on the parallel of thirty-six (36) degrees north latitude; running from thence west, with the said parallel of

Latitude, to the Saint Francis river; thence up the middle of the main channel of said river to the parallel of thirty-six (36) degrees thirty (30) minutes north from thence west with the boundary line of the State of Missouri to the southwest corner of that State; and thence to be bounded on the west by the north bank of Rid river by Act of Congress and Treaties heretofore defining the western limits of the Territory of Arkansas; and to be bounded on the south side of Rid river by the boundary line of the State of Texas to the northeast corner of the State of Louisiana; thence east with the Louisiana State line to the middle of the main channel of the Mississippi river; thence up the middle of the main channel of said river, including an island in said river known as "Belle Point Island" to the thirty-sixth (36th) degree of north latitude—the place of beginning.

ARTICLE III

The seat of government shall be at Little Rock, where it is now established.

ARTICLE IV

Section One. The powers of government are divided into three departments—the Legislative, the Executive, and the Judicial.

Section Two. No person belonging to one department shall exercise the powers properly belonging to another, excepting in the cases expressly provided in this Constitution.

ARTICLE V LEGISLATIVE DEPARTMENT

Section One. The legislative power in this State shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives.

Section Two. The General Assembly shall meet every two years, on the first Monday of January, at the seat of government, which may be altered by law; but the first General Assembly elected after the adoption of this Constitution shall meet on the second 2d day of April, A. D. one thousand eight hundred and fifty eight (1858).

Section Three. The House of Representatives shall consist of members chosen every second year by the qualified electors of the several districts.

Section Four. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-one years, and have been one year a resident of this State, who shall not be a male citizen of the United States, who shall not, at the time of his election, have an actual residence in the district he may be chosen to represent, and who shall not be a qualified elector as provided in this Constitution.

Section Five. The Senate shall consist of members chosen every fourth year by the qualified electors of the several districts.

Section Six. No person shall be a member of the Senate who shall not have attained the age of thirty-five years, and have been one year a resident of this State, who shall not be a male citizen of the United States, who shall not, at the time of his election, have an actual residence in the district he may be chosen to represent, and who shall not be a qualified elector as provided in this Constitution.

Section Seven. The number of members composing the Senate shall be two hundred and twenty, and of the House of Representatives eighty-four, to one thousand eight hundred and twenty-five for 1870, and every tenth year thereafter; and the first General Assembly elected after each enumeration to make, and also after each enumeration made by the authority of the United States, may rearrange the Senatorial and Representative districts according to the number of inhabitants as ascertained by such enumeration: Provided, That there shall be no apportionment other than that made in this Constitution, until after the enumeration to be made in the year one thousand eight hundred and twenty-five A.D.

Section Eight. Senators shall be chosen at the same time and in the same manner that members of the House of Representatives are required to be. Senatorial districts shall be composed of convenient contiguous territory, and no Representative district shall be divided in the formation of a Senatorial one. The Senatorial districts shall be numbered in regular series, and the term of Senators chosen for the districts designated by odd numbers shall expire in twelve years, and the term of Senators chosen for the districts designated by even numbers shall expire in four years, but thereafter Senators shall be chosen for the term of four years, excepting when an enumeration of the inhabitants of the State is made, in which case, if a rearrangement of the Senatorial districts is made, when the regulation above stated shall govern the term of office.

Section Nine. Removals of Senators and Representatives from their respective districts shall be deemed a vacation of their office.

Section Ten. No person holding any office under the United States, or this State, or any county office, excepting Postmasters, Notaries Public, Officers of the Militia, and township Officers, shall be eligible to, or have a seat in either branch of the General Assembly, and all votes given for any such person shall be void.

Section Eleven. Senators and Representatives shall, in all cases, (treason, felony, or breach of the peace excepted,) be privileged from arrest during the session of the General Assembly. They shall not be subject to any civil process during the session of the General Assembly, or for fifteen days next before the commencement, and next after the termination of each session. And they shall not be questioned in any other place for remarks made in either House.

Section Twelve. A majority of the members of each House shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner, and under such penalties as each House may prescribe.

Section Thirteen. Each House shall elect its own officers, determine the rules of its proceedings, judge of the qualifications, election and return of its members; and may, with the concurrence of two-thirds of all the members elected, expel a member; but no member shall be expelled a second time for the same cause, nor for any cause known to his constituents at the time of his election. The reason for any such expulsion shall be entered upon the journal, with the names of the members voting thereon.

Section Fourteen. Each House shall prescribe by law the manner in which the State printing shall be executed, and the accounts rendered therefor, and shall prohibit all charges for constructive labor. They shall not retain or alter any contract for such printing, or release the person or persons taking the same, or his or their successors from the performance of any of the provisions of such contract.

Section Sixteen. Each House shall keep a Journal of its proceedings, and publish the same, excepting such parts as may require Secrecy. The yeas and nays of the members of either House upon any question, shall be entered on the Journal at the request of five members. Any member of either House may dissent and protest against any act, proceeding or resolution which he may deem injurious to any person or the public, and have the same of his dissent entered on the Journal.

Section Seventeen. In elections by either House, or in joint convention, the vote shall be given *viva voce*. All votes on nominations to the Senate shall be taken by yeas and nays, and published with the Journal of its proceedings.

Section Eighteen. The doors of each House shall be open, unless the public welfare requires Secrecy, & either House shall, without the consent of the other, adjourn for more than three days, nor to any other place than where the General Assembly may then be in session.

Section Nineteen. Bills may originate in either House of the General Assembly, but all bills for raising revenue shall originate in the House of Representatives, though the Senate may propose amendments, as on other bills.

Section Twenty. No portion of the public funds or property shall ever be appropriated by virtue of any resolution. No appropriation shall be made except by a bill duly passed for that purpose.

Section Twenty One. Every bill and joint resolution shall be read three times, on different days, in each House, before the final passage thereof, unless two thirds of the House when the same is pending shall dispense with the rules. No bill or joint resolution shall become a law without the concurrence of a majority of all the members voting. On the final passage of all bills the vote shall be taken by yeas and nays, and entered on the Journal.

Section Twenty Two. No act shall embrace more than one subject, which shall be embraced in its title. No public act shall take effect or be in force until ninety (90) days from the expiration of the session at which the same is passed, unless it is otherwise provided in the act.

Section Twenty Three. No law shall be revised, altered or amended, by reference to its title only, but the act revised, and the section or sections of the act so altered or amended shall be enacted and published at length.

Section Twenty Four. No new bill shall be introduced into either House during the last three days of the session without the unanimous consent of the House in which it originated.

Section Twenty Five. The General Assembly, at its first session, shall provide suitable laws for the registration of qualified electors, and for the prevention of frauds in elections.

Section Twenty Six. The General Assembly shall provide for the speedy publication of all statute laws of a public nature, and of such judicial decisions as it may deem expedient. All laws and judicial decisions shall be free for publication by any person.

Section Twenty Seven. The style of the laws of the State shall be "Be it enacted by the General Assembly of the State of Arkansas."

Section Twenty Eight. The General Assembly may enact laws providing for county, township or precinct governments.

Section Twenty Nine. It shall be the duty of the General Assembly, from time to time, as circumstances may require, to frame and adopt a penal code, founded on principles of reformation.

hereinafter provided. There shall be neither slavery nor involuntary servitude, either by indentures, apprenticeships, or otherwise, in the State, except for the punishment of crime, whereof the party shall have been duly convicted.

Section Thirty Eight. The General Assembly shall have no power to make compensation for emancipated slaves.

Section Thirty Nine. The General Assembly shall have no power to grant divorces, to change the names of individuals, or to direct the sale of estates belonging to infants or other persons laboring under legal disabilities, by special legislation; but, by general laws, shall confer such powers on the courts of justice.

Section Forty. The General Assembly shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person, or vacate or alter any road laid out by legal authority, or any street in any city or village, or in any recorded town plat; but shall provide for the same by general laws.

Section Forty One. The General Assembly shall not authorize any lottery, and shall prohibit the sale of lottery tickets.

Section Forty Two. In case of a contested election, only the claimant so elected entitled to the seat, in either House in which the contest may take place, shall receive from the State per diem compensation and mileage.

Section Forty Three. No collector, holder or disburser of public moneys shall have a seat in the General Assembly, or be eligible to any office of trust or profit under this State, until he shall have accounted for, and paid over, as provided by law, all sums for which he is liable.

Section Forty Four. The General Assembly shall have power to alter and regulate the jurisdiction and proceedings in law and equity, subject to the provisions of this Constitution.

Section Forty Five. The General Assembly shall direct by law in what manner and in what courts suits may be brought by and against the State.

Section Forty Six. It shall be the duty of the General Assembly to make adequate provision for the maintenance of paupers throughout the State.

Section Forty Seven. The General Assembly shall not have power to authorize any municipal corporation to pass any law contrary to the general laws of the State, or to levy any tax on real or personal property to a greater extent than two (2) per centum of the assessed value of the same.

Section Forty Eight. The General Assembly shall pass no special act conferring corporate powers. Corporations may be formed under general laws; but all such laws may, from time to time, be altered or repealed. Dues from corporations shall be secured by such individual liability of the stockholders, and other means, as may be prescribed by law; but, in all cases each stockholder shall be liable over and above the stock by him or her owned, and any amount unpaid thereon, to

hereinafter provided. There shall be neither Slavery nor involuntary servitude, either by indentures, apprenticeships, or otherwise, in the State, except for the punishment of crime, whereof the party shall have been duly convicted.

Section Thirty Eight. The General Assembly shall have no power to make compensation for emancipated slaves.

Section Thirty Nine. The General Assembly shall have no power to grant divorces, to change the names of individuals, or to direct the sale of estates belonging to infants or other persons laboring under legal disabilities, by special legislation; but, by general laws, shall confer such powers on the courts of justice.

Section Forty. The General Assembly shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person, or vacate or alter any road laid out by legal authority, or any street in any city or village, or in any recorded town plat; but shall provide for the same by general laws.

Section Forty One. The General Assembly shall not authorize any lottery, and shall prohibit the sale of lottery tickets.

Section Forty Two. In case of a contested election, only the claimant entitled to the seat, in either House in which the contest may take place, shall receive from the State per diem compensation and mileage.

Section Forty Three. No collector, holder or disburser of public monys shall have a seat in the General Assembly, or be eligible to any office of trust or profit under this State, until he shall have accounted for, and paid over, as provided by law, all sums for which he is liable.

Section Forty Four. The General Assembly shall have power to alter and regulate the jurisdiction and proceedings in law and equity, subject to the provisions of this Constitution.

Section Forty Five. The General Assembly shall direct by law in what manner and in what courts suits may be brought by and against the State.

Section Forty Six. It shall be the duty of the General Assembly to make adequate provision for the maintenance of paupers throughout the State.

Section Forty Seven. The General Assembly shall not have power to authorize any municipal corporation to pass any laws contrary to the general laws of the State, or to levy any tax on real or personal property to a greater extent than two (2) per centum of the assessed value of the same.

Section Forty Eight. The General Assembly shall pass no special act conferring corporate powers. Corporations may be formed under general laws; but all such laws may, from time to time, be altered or repealed. Dues from corporations shall be secured by such individual liability of the stockholders, and other means, as may be prescribed by law; but, in all cases each stockholder shall be liable over and above the stock by him or her owned, and any amount unpaid thereon, to

a further sum, at least equal in amount to such stock. The property of corporations, now existing or hereafter created, shall forever be subject to taxation, the same as the property of individuals. No right of way shall be appropriated to the use of any corporation until full compensation therefor shall be first made in money, or first secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation; which compensation shall be ascertained by a jury of twelve men, in a Court of Record, as shall be prescribed by law.

Section Forty Nine. The General Assembly shall provide for the organization of cities and incorporated villages by general laws, and restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such power.

Section Fifty. All corporations with banking and discounting privileges, shall, preparatory to issuing bills as currency, deposit the bonds of this State, equal in amount to the capital stock of such corporation, with the Auditor of the State, who shall not permit an issue of circulation, exceeding eighty per centum of the amount of bonds so deposited, such circulation being receivable for all taxes and dues to the State, and the individual liability of stockholders shall be as hereinbefore directed; Provided, That corporations chartered or existing under any act of the Congress of the United States shall be excepted from these provisions.

Section Fifty One. The General Assembly, on the day of final adjournment, shall adjourn at twelve o'clock at noon.

ARTICLE VI EXECUTIVE DEPARTMENT

Section One. The Executive Department of this State shall consist of a Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General and Superintendent of Public Instruction—all of whom shall hold their several offices for the term of four years and until their successors are elected and qualified. They shall be chosen by the qualified electors of this State at the time and places of choosing the members of the General Assembly.

Section Two. The supreme executive power of this State shall be vested in the Governor.

Section Three. No person shall be eligible to the office of Governor or Lieutenant Governor who shall not have attained the age of twenty-five years, who shall not have been five years a citizen of the United States, who shall not, at the time of his election, have had an actual residence in this State for one year next preceding his election, and who shall not be a qualified elector as prescribed in this Constitution.

Section Four. In elections for Governor and Lieutenant Governor, the person having the highest number of votes shall be declared elected. But in case that two or more persons shall have an equal, and the highest number of votes for Governor or Lieutenant Governor, the General Assembly shall, by joint vote, choose one of such persons. The Governor shall be Commander-in-Chief of the military and naval forces of the State, and may call out such forces to execute the laws, suppress insurrections, repel invasions, or preserve the public peace. He shall transact all necessary business with other officers of the State Government, and may require information in writing of the officers of the Executive Department upon any subject pertaining to the duties of their respective offices.

Section Five. It shall be the duty of the Governor to see that the laws are faithfully executed.

Section Six. He may convene the Legislature on extraordinary occasions.

Section Seven. He shall give to the General Assembly, and at the close of his official term, to the next General Assembly information by Message, concerning the condition of the State, and recommend such means to their consideration as he may deem expedient.

Section Eight. He may convene the General Assembly at some other place when the seat of government becomes dangerous from the prevalence of disease, or the presence of a common enemy.

Section Nine. He may grant reprieves, pardons and commutations after conviction for all offenses, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper; subject, however, to such regulations as may be prescribed by law relative to the manner of applying for pardons. Upon conviction for treason he may suspend execution of the sentence until the matter shall be reported to the General Assembly at its next session, when the General Assembly shall either pardon, commute the sentence, direct the execution of the same or grant a further reprieve. The Governor shall communicate to the General Assembly at each session, information concerning each case of pardon, reprieve or commutation granted, and the reasons therefor.

Section Ten. In case of the impeachment of the Governor, his removal from office, death, resignation, inability or removal from the State, the powers and duties of the Governor shall devolve upon the Lieutenant Governor during the residue of the term or until the disabilities of the Governor are removed.

Section Eleven. During a vacancy in the office of Governor, if the Lieutenant Governor resign, be impeached, displaced, absent from the State or incapable of acting, the President pro tempore of the Senate, shall act as Governor until the vacancy be filled, or the disability cease.

Section Twelve. The Lieutenant Governor shall, by virtue of his office, be President of the Senate, and when there is an equal division he shall give the casting vote.

Section Thirteen. No member of Congress or any other person holding any office under the United States or this State, shall execute the office of Governor.

Section Fourteen. The Lieutenant Governor, and the President of the Senate pro tempore while performing the office of Governor, shall receive the same compensation as the Governor.

Section Fifteen. All official acts of the Governor—his approval of the laws excepted—shall be authenticated by the great Seal of the State, which Seal shall be kept by the Secretary of State.

Section Sixteen. The Governor shall, by and with the advice and consent of the Senate, appoint a convenient number of Notaries Public, not to exceed six for each county, who shall discharge such duties as are now, or as may hereafter be prescribed by law.

Section Seventeen. All commissions issued to persons holding office under the provisions of this Constitution shall be in the name, and by the authority of the people of the State of Arkansas, sealed with the great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

Section Eighteen. The Governor, Chief Justice, Secretary of State, Treasurer, Auditor, Attorney General and Superintendent of Public Instruction, shall severally reside, and keep all public records, books, papers and documents which may pertain to their respective offices, at the seat of government.

Section Nineteen. The returns of every election for Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General and Superintendent of Public Instruction, shall be sealed up and transmitted to the seat of government by the returning officers and directed to the presiding officer of the Senate, who, during the first week of the session shall open and publish the same in presence of the members then assembled. The person having the highest number of votes shall be declared elected, but if two or more shall have the highest and equal number of votes for the same office, one of them shall be chosen by a joint vote of both houses. Contested elections shall likewise be determined by both houses of the General Assembly in such manner as is or may hereafter be prescribed by law.

Section Twenty. The Secretary of State shall keep a fair record of all official acts and proceedings of the Governor, and shall when required lay the same and all papers, minutes and vouchers relative thereto, before the General Assembly, and shall perform such other duties as are now, or may hereafter be prescribed by law.

Section Twenty One. The Auditor, Treasurer, Attorney General, and Superintendent of Public Instruction, shall perform such duties as are now, or may hereafter be prescribed by law.

Section Twenty Two. In case of the death, impeachment, removal from the State or other disability of the Secretary of State, Treasurer, Auditor, Attorney General, and Superintendent of Public Instruction, the vacancies in their several offices thus occasioned shall be filled by appointment of the Governor, which appointment shall be made for the unexpired terms of said officers, or until said disabilities are removed, or until elections are held to fill said vacancies.

Section Twenty Three. Until the General Assembly shall otherwise provide, the Governor shall appoint a suitable person, who shall be styled Commissioner of Public Works and Internal Improvements, who shall hold his office for the term of four years, and until his successor is duly commissioned and qualified. It shall be the duty of the Commissioner of Public Works and Internal Improvements to superintend all public works which may be carried on by the State, and have a supervising control over all internal improvements in which the State is interested, and, until otherwise provided by the General Assembly, he shall be ex officio Commissioner of Immigration and of State Lands, and shall perform such other duties as may be prescribed by law. He shall receive for his services the same salary as provided by law for the Auditor of State.

Section Twenty Four. The officers of the Executive Department, mentioned in this Article, shall, at stated times, receive for their services a compensation to be established by law, which shall not be diminished during the period for which they shall have been elected or appointed.

Section Twenty Five. The officers of the Executive Department and Judges of the Supreme Court shall not be eligible during the period for which they may be elected or appointed to their respective offices, to any position in the gift of the qualified electors, or of the General Assembly of this State.

Section Twenty Six. The returns of every election for State, County and Judicial officers, not herein provided for, shall be sealed up and transmitted to the seat of Government by the returning officers, and directed to the Secretary of State who shall open and publish the same, and the persons so elected shall be duly commissioned by the Governor.

ARTICLE VII JUDICIARY

Section One. The judicial power of the State shall be vested in the Senate sitting as a Court of Impeachment, a Supreme Court, Circuit Courts, and such other courts inferior to the Supreme Court as the General Assembly may from time to time establish.

Section Two. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the

Senate. When sitting for that purpose the Venators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members thereof. The Chief Justice shall preside, and the Secretary of State shall act as Clerk of this Court; Provided, that, in case of the trial of either of them the person appointed temporarily to perform the duties of the office shall act. The Governor, and all other civil officers under this State, shall be liable to impeachment for any misconduct or maladministration of their respective offices; but judgment in such cases shall not extend farther than to removal from office and disqualification to hold any office of honor, trust, or profit, under this State. The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial and judgment according to law.

Section Three. Two terms of the Supreme Court shall be held at the seat of government annually, provided that that the General Assembly may provide by law for holding said court at three other places. The Supreme Court shall consist of one Chief Justice who shall be appointed by the Governor, by and with the advice and consent of the Senate, for the term of eight years, and four Associate Justices, who shall be chosen by the qualified electors of the State at large for the term of eight years; Provided, that two of the Associate Justices first chosen under this Constitution shall serve for four years after the next general election and two of them for eight years after said election, said times to be determined by lot; but thereafter the Associate Justices shall be chosen for the full term.

Section Four. The Supreme Court shall have general supervision and control over all inferior courts of law and equity. It shall have power to issue writs of error, supersedeas, certiorari, habeas corpus, mandamus, quo-warranto, and other remedial writs, and to hear and determine the same. Final judgments in the inferior courts may be brought by writ of error, or by appeal, into the Supreme Court in such manner as may be prescribed by law.

Section Five. The inferior courts of the State as now constituted by law, except as hereinafter provided, shall remain with the same jurisdiction as they now possess; Provided, that the General Assembly may provide for the establishment of such inferior courts, changes of jurisdiction, or abolition of existing inferior courts, as may be deemed requisite. The Judges of the inferior courts herein provided for, or of such as may hereafter be established by law, shall be appointed by the Governor, by and with the advice and consent of the Senate, for the term of six years, and until such time as the General Assembly may otherwise direct; Provided, that the General Assembly shall not interfere with the term of office of any Judge.

Section Six. All writs and other processes shall run in the name of the State of Arkansas, and bear date and be signed by the clerks of the respective courts from which they issue. Indictments shall conclude against the peace and dignity of the State of Arkansas.

Section Seven. No judge shall preside on the trial of any cause in the court of which he may be interested, or where

either of the parties shall be connected with him by affinity or consanguinity within such degrees as may be prescribed by law, or in which he may have been counsel, or have presided in any inferior court.

Section Eight. In case all or any of the judges of the Supreme Court shall be disqualifid from presiding, on any cause or causes, the court or judges thereof shall certify the same to the Governor of the State, and he shall immediately commission, specially, the required number of men learned in the law for the trial and determination thereof.

Section Nine. Whenever at ten o'clock, A.M., of the second day of any term of the inferior courts of this State, the judge thereof is not present, or if present and he cannot for any cause properly preside at the trial of any case then pending therewith, the attorneys of said court then present may elect a special judge, who shall preside during the trial of such case or cases, or shall hold said court until the appearance of the regular judge thereof. The proceeding in such cases shall be entered at large upon the record.

Section Ten. The judges of the inferior courts may temporarily exchange circuits, or hold courts for each other under such regulations as may be prescribed by law.

Section Eleven. Judges shall not charge juries with regard to matters of fact, but shall declare the law. In all trials by jury the judges shall give their instructions and charges in writing; and if the trial is by the court he shall reduce to writing his findings upon the facts in the case, and shall declare the law in the same manner he is required to do when instructing juries.

Section Twelve. Any judge whose appointment or election is herein provided for, shall be at least thirty-five years of age, a qualified elector of this State, and shall have been for one year an actual resident of the State, and shall reside in the circuit or district to which he may be appointed or elected.

Section Thirteen. The judges of the Supreme and inferior Courts shall, at stated times, receive a compensation for their services as is now or may hereafter be provided by law, and which shall not be diminished during the respective terms for which they may be elected or appointed.

Section Fourteen. The inferior courts shall hold annually such terms as the General Assembly may direct.

Section Fifteen. All appeals from inferior courts shall be taken in such manner and to such Courts as may be provided by law. Appeals may be taken from courts of Justices of the Peace to such Courts and in such manner as may be prescribed by law.

Section Sixteen. When a vacancy occurs in the office of Judge of the Supreme, or any of the inferior Courts, it shall be filled by appointment of the Governor; which appointee shall hold his office the residue of the unexpired term, and until his successor is elected and qualified.

Section Seventeen. The Supreme Court and such other Courts as may be established by law shall be Courts of record, and shall each have a common seal.

Section Eighteen. The Supreme Court shall appoint a clerk of such court, and also a reporter of its decisions. The decisions of the Supreme Court shall be in writing and signed by the judges concurring therein. Any judge dissenting therefrom shall give the reasons of such dissent in writing, over his signature; all such decisions shall be filed in the office of the Clerk of the Supreme Court, and be published in such manner as the General Assembly may direct. The clerk and reporter shall hold their respective offices for the term of six years, subject to removal by the Court for cause.

Section Nineteen. A county clerk shall be elected by the qualified electors in each organized county in this State for the term of four years, and shall perform such duties, and receive such fees as are now or may hereafter be prescribed by law.

Section Twenty. In each township in this State there shall be elected by the qualified electors ~~thereof~~ two Justices of the Peace, who shall hold their offices for the term of four years; Provided, That in such townships as may contain more than two hundred qualified electors, an additional justice of the peace may be chosen. Justices of the Peace shall have exclusive original jurisdiction in all actions of contract and replevin where the amount in controversy does not exceed two hundred dollars, and concurrent jurisdiction with the Circuit Court where the amount in controversy does not exceed five hundred dollars. In criminal causes the jurisdiction of justices of the peace shall extend to all matters less than felony for final determination and judgment.

Section Twenty One. Any suitor in any court in this State shall have the right to prosecute or defend his suit either in his own proper person or by attorney.

Section Twenty Two. In the courts of this State there shall be no exclusion of any witness in civil actions because he is a party to, or is interested in the issue to be tried, and no person convicted of infamous crime shall be a competent witness in any cause, without the consent of both parties to the controversy; Provided, That in actions by or against executors, administrators or guardians, in which judgment may be rendered for or against them, neither party shall be allowed to testify against the other as to any transactions with or statements to the testator, intestate or ward, unless called to testify thereto by the opposite party, or required to testify thereto by the court. The judges of the Supreme and all inferior courts shall be conservators of the peace throughout their respective jurisdictions.

14
ARTICLE VIII
FRANCHISE

Section One. In all elections by the people the electors shall vote by ballot.

Section Two. Every male person born in the United States, and every male person who has been naturalized, or has legal by declaration his intention to become a citizen of the United States, who is twenty-one years old or upwards, and who shall have resided in the State six months next preceding the election, and who at the time is an actual resident of the county in which he offers to vote, except as hereinafter provided, shall be deemed an elector.
Provided, No soldier, or sailor, or marine, in the military or naval service of the United States shall acquire a residence by reason of being stationed on duty in this State.

Section Three. The following classes shall not be permitted to register, or vote, or hold office viz:

1st Those who during rebellion took the oath of allegiance, or gave bonds for loyalty and good behavior to the United States government, and afterwards gave aid, comfort or countenance to those engaged in armed hostility to the government of the United States, either by becoming a soldier in the rebel army, or by entering the lines of said army, or adhering in any way to the cause of rebellion, or by accompanying any armed force belonging to the rebel army, or by furnishing supplies of any kind to the same.

2nd Those who are disqualified as electors, or from holding office in the State or States from which they came.

3rd Those persons who during the late rebellion violated the rules of civilized warfare.

4th Those who may be disqualified by the proposed amendment to the Constitution of the United States, known as Article XIV, and those who have been disqualified from registering to vote for delegates to the Convention to frame a Constitution for the State of Arkansas, under the act of Congress entitled "An act to provide for the more efficient government of the rebel States," passed March 2nd 1867, and the acts supplementary thereto.

5th Those who shall have been convicted of treason, embezzlement of public funds, malfeasance in office, crimes punishable by law with imprisonment in the penitentiary, or bribery.

6th Those who are idiots or insane.

Provided, That all persons included in the 1st, 2nd, 3rd and 4th, subdivisions of this section, who have openly advocated or who have voted for the reconstruction proposed by Congress, and accept the equality of all men before the law, shall be deemed qualified electors under this Constitution.

Section Four. The General Assembly shall have the power, by a two-thirds vote of each house, approved by the Governor to remove the disabilities included in the 1st, 2nd, 3^d and 4th subdivisions of section three, of this Article, when it appears that such person applying for relief from such disabilities, has in good faith returned to his allegiance to the government of the United States; Provided, the General Assembly shall have no power to remove the disabilities of any person embraced in the aforesaid subdivisions who, after the adoption of this Constitution by this Convention, persists in opposing the acts of Congress and Reconstruction therunder.

Section Five. All persons before registering or voting must take and subscribe the following oath: "I, do solemnly swear, (or affirm,) that I will support and maintain the Constitution and Laws of the United States, and the Constitution and Laws of the State of Arkansas; that I am not excluded from registering or voting by any of the clauses in the first, second, third or fourth subdivisions of Article VIII of the Constitution of the State of Arkansas; that I will never countenance or aid in the Secession of this State from the United States; that I accept the civil and political equality of all men, and agree not to attempt to deprive any person or persons, on account of race, color or previous condition, of any political or civil right, privilege or immunity enjoyed by any other class of men; and, furthermore, that I will not in any way injure, countenance in others any attempt to injure persons or persons, on account of past or present support of the government of the United States, the Laws of the United States or the principles of the political and civil equality of all men, or for affiliation with any political party. Provided, That if any person shall knowingly and falsely take any oath in this Constitution prescribed, such person so offending, and being thereof duly convicted, shall be subject to the pains, penalties and disabilities, which, by law are provided for the punishment of the crime of wilful and corrupt perjury."

Section Six. Electors shall in all cases except treason, felony, or breach of the peace, be privileged from arrest and civil process during their attendance at elections, and in going to and returning from the same.

Section Seven. It shall be the duty of the General Assembly to enact adequate laws giving protection against the evils arising from the use of intoxicating liquors at elections.

ARTICLE IX EDUCATION

Section One. A general diffusion of knowledge and intelligence among all classes, being essential to the preservation of the rights and liberties of the people; the General Assembly shall establish and maintain a system of free schools, for the gratuitous

instruction of all persons in this State, between the ages of five and twenty-one years, and the funds appropriated for the support of common schools shall be distributed to the several counties; in proportion to the number of children and youths therein between the ages of five and twenty-one years, in such manner as shall be prescribed by law, but no religious or other sect or sects shall ever have any exclusive right to, or control of any part of the school funds of this State.

Section Two. The supervision of public schools shall be vested in a Superintendent of Public Instruction, and such other officers as the General Assembly shall provide. The Superintendent of Public Instruction shall receive such salary, and perform such duties as shall be prescribed by law.

Section Three. The General Assembly shall establish and maintain a State University, with departments for instruction in teaching, in agriculture, and the natural sciences as soon as the public school fund will permit.

Section Four. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by the United States or this State, also all mines, stocks, bonds, lands and other property, now belonging to any fund for purposes of education, also the net proceeds of all sales of lands and other property and effects that may accrue to this State by escheat, or from sales of estrays or from unclaimed dividends or distributive shares of the estates of deceased persons, or from fines, penalties or forfeitures, also any proceeds of the sales of public lands which may have been or may be hereafter paid over to this State (Congress continuing), also all the grants, gifts, or devises that have been or hereafter may be made to this State and not otherwise appropriated by the terms of the grant, gift or devise, shall be securely invested and sacredly preserved as a public school fund, which shall be the common property of the State. The annual income of which fund, together with one dollar per capita to be annually assessed on every ^{male} inhabitant of this State over the age of twenty-one years, and so much of the ordinary annual revenue of the State as may be necessary, shall be faithfully appropriated for establishing and maintaining the free schools and the University, in this Article provided for, and for no other uses or purposes whatever.

Section Five. No part of the public school fund shall be invested in the stocks, or bonds or other obligations of any State, or any County, City, town or corporation. The stocks belonging to any school fund or University fund, shall be sold in such manner, and at such times as the General Assembly shall prescribe, and the proceeds thereof, and the proceeds of the sales of any lands or other property which now belongs or may hereafter belong to said school fund may be invested in the bonds of the United States.

Section Six. No Township or school district shall receive any portion of the public school fund, unless a

free school shall have been kept therein for not less than three months during the year, for which distribution thereof is made. The General Assembly shall require by law, that every child of sufficient mental and physical ability, shall attend the public schools during the period between the ages of five and eighteen years, for a term equivalent to three years unless educated by other means.

Section Seven. In case the public school fund shall be insufficient to sustain a free school at least three months in every year in each school district in this State, the General Assembly shall provide by law, for raising such deficiency by levying such tax upon all taxable property in each County, Township or school district as may be deemed proper.

Section Eight. The General Assembly shall as far as it can be done without infringing upon vested rights, reduce all lands, mines, or other property used or held for school purposes in the various Counties of this State, into the public school fund herein provided for.

Section Nine. Provision shall also be made, by general laws, for raising such sum or sums of money by taxation, or otherwise in each school district as may be necessary for the building and furnishing of a sufficient number of suitable school houses for the accommodation of all the pupils within the limits of the several school districts.

ARTICLE X

FINANCES, TAXATION, PUBLIC DEBT AND EXPENDITURES

Section One. The levying of taxes by the poll is grievous and oppressive; therefore the General Assembly shall never levy a poll tax excepting for school purposes.

Section Two. Laws shall be passed taxing by a uniform rule all money credit, investments in bonds, joint stock companies, or otherwise; and also all real and personal property according to its true value in money; but burying grounds, public school houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, shall never be taxed. Real Estate shall be appraised at least once every five years by an appraiser to be provided for by law, at its true value in money. Personal property shall be appraised in such manner as may be provided by law at its true value in money, but the General Assembly may exempt from taxation personal property to the value of five hundred dollars to each tax payer.

Section Three. The General Assembly shall provide by law, for taxing the notes and bills discounted or purchased, monies loaned, and all other property, effects or dues of every description, without deduction of all banks now existing, or hereafter created, and of all bankers, so that all property employed in banking shall always bear a burden

of taxation equal to that imposed on other property of individuals.

Section Four. The General Assembly shall provide for raising revenue sufficient to defray the expenses of the State, for each year; and also a sufficient sum to pay the interest on the State debt.

Section Five. No tax shall be levied except in pursuance of law; and every law imposing a tax, shall state distinctly the object of the same.

Section Six. The credit of the State or county shall never be loaned for any purpose without the consent of the people thereof, expressed through the ballot box.

Section Seven. The General Assembly may require the exhibit of receipts and expenditures of State and county officers at such time and manner as may be prescribed by law.

Section Eight. No money shall be paid out of the treasury, until the same shall have been appropriated by law.

Section Nine. The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; and the money arising from the creation of such debts, shall be appropriated to the purpose for which it was obtained, or to pay the debt so contracted, and no other.

Section Ten. In addition to the above power, the State may contract debts to repel invasion, suppress insurrection, preserve the public peace, defend the State in time of war, or to redeem the present outstanding indebtedness of the State; but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised, and no other, and all debts incurred to redeem the present outstanding indebtedness of the State, shall be so contracted as to be payable by the sinking fund hereinafter provided for, as the same shall accumulate.

Section Eleven. The faith of the State being pledged for the payment of its debts, in order to provide therefore, there shall be created a sinking fund; which shall be sufficient to pay the accruing interest on such debt, and annually to reduce the same. The said sinking fund shall consist of such net earnings and profits of public institutions, bonds, stocks or other property of the State, or of any other funds or resources, that are or may be provided by law.

Section Twelve. The Governor, Secretary of State, and Attorney General, are hereby created a Board of Commissioners to be styled the Commissioners of the Sinking Fund.

Section Thirteen. The Commissioners of the Sinking Fund shall, immediately preceding each regular session of the General Assembly, make an estimate of the probable amount of the fund provided by the eleventh

Section of this Article, from all sources, except from taxation, and report the same, together with all their proceedings relative to said fund and the public debt, and transmit the same to the General Assembly and the General Assembly shall make all necessary provision for raising and disbursing said sinking fund, in pursuance of the provisions of this Article.

Section Fourteen. It shall be the duty of said Commissioners faithfully to apply in such manner as the General Assembly may by law direct, said funds, together with all moneys that may be, by the General Assembly, appropriated to that object, to the payment of the interest as it becomes due and the redemption of the principal of the public debt of the State, excepting only school and trust funds held by the State.

Section Fifteen. The principal arising from the sale of all lands donated to the State for school purposes, shall be paid into the Treasury, and the State shall pay interest thereon for the support of schools at the rate of six percent per annum.

Section Sixteen. The State shall never assume the debts of county, town, city or other corporation, unless such debts have been created to repel invasion, suppress insurrection, or to provide for the public welfare and defense.

Section Seventeen. The General Assembly shall tax all privileged, pursuits and occupations, that are of no real use to society; all others shall be exempt, and the amount thus raised shall be paid into the treasury.

ARTICLE XI

MILITIA

Section One. All able bodied electors in this State, shall be liable to military duty in the militia of this State, but all citizens of any denomination whatever who from scruples of conscience may be adverse to bearing arms, shall be exempt therefrom upon such conditions as may be prescribed by law.

Section Two. The General Assembly shall provide for organizing, equipping and disciplining the militia in such manner as it shall deem expedient, not incompatible with the laws of the United States.

Section Three. The Governor shall be Commander-in-Chief, and shall have power to call out the militia to execute the laws, to suppress insurrection, to repel invasion, and to preserve the public peace.

ARTICLE XII

EXEMPTED PROPERTY

Section One. The personal property of any resident of this State, to the value of two thousand dollars, to be selected

by such resident, shall be exempted from sale on execution or other final process of any court, issued for the collection of any debt, contracted after the adoption of this Constitution.

Section Two. Hereafter the homestead of any resident of this State, who is a married man or head of a family shall not be encumbered in any manner while owned by him, except for taxes, laborers and mechanics liens, and securities for the purchase money thereof.

Section Three. Every homestead not exceeding one hundred and sixty acres of land, and the dwelling and appurtenances thereon, to be selected by the owner thereof, and not in any town, city or village; or in lieu thereof, at the option of the owner, any lot in any city, town or village, with the dwelling and appurtenances thereon, owned and occupied by any resident of this State, and not exceeding the value of five thousand dollars, shall be exempted from sale on execution or any other final process from any court; but no property shall be exempted from sale for taxes, for the payment of obligations contracted for the purchase of said premises, for the erection of improvements thereon, or for labor performed for the owner thereof; Provided, That the benefit of the homestead herein provided for, shall not be extended to persons, who may be indebted for dues to the State, county, township, school or other trust funds.

Section Four. If the owner of a homestead die leaving a widow, but no children the same shall be exempt, and the rents and profits thereof shall accrue to her benefit, during the time of her widowhood, unless she be the owner of a homestead in her own right.

Section Five. The homestead of a family after the death of the owner thereof, shall be exempt from the payment of his debts in all cases, during the minority of his children, and also, so long as his widow shall remain unmarried, unless she be the owner of a homestead in her own right.

Section Six. The real and personal property of any female, in this State, acquired either before or after marriage whether by gift, grant, inheritance, devise, or otherwise, shall so long as she may choose, be and remain the separate estate and property of such female, and may be devised, or bequeathed by her, the same as if she were a femme sole. Laws shall be passed providing for the registration of the wife's separate property, and when so registered, and so long as it is not entrusted to the management or control of her husband, otherwise than as an agent, it shall not be liable for any of his debts, engagements or obligations.

ARTICLE XIII

AMENDMENTS TO THE CONSTITUTION

Section One. Any amendment to this Constitution may be proposed, in either House of the General Assembly,

and if the same shall be agreed to, by a majority of the members elected to each of the two Houses; such proposed amendment shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature, to be chosen at the next general election, and shall be published as provided by law, for three months previous to the time of making such choice; and if the General Assembly so next chosen as aforesaid, such proposed amendment, or amendments, shall be agreed to, by a majority of all the members elected to each House, then it shall be the duty of the General Assembly to submit such proposed amendment, or amendments, to the people in such manner, and at such time as the General Assembly shall provide; and if the people shall approve, and ratify such amendment or amendments, by a majority of the electors, qualified to vote for members of the General Assembly voting thereon, such amendment or amendments, shall become a part of the Constitution of this State.

Section Two. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors, shall vote for or against each of said amendments separately.

ARTICLE XIV APPORTIONMENT

Section One. The Congressional districts shall remain as they now are: Provided, That the General Assembly may, at the first session held after the adoption of this Constitution, re-district the State for Congressional purposes.

Section Two. Until after the apportionment, as herein provided for, the Senatorial and Representative Districts shall be composed of the following counties, to-wit; the $\frac{1}{4}$ of Jackson, Craighead, Poinsett, Cross and Mississippi; $\frac{2}{5}$ of Lawrence, Randolph and Sevier; $\frac{3}{5}$ of Madison, Marien, Carroll, Fulton and Gard; $\frac{4}{5}$ of Independence and Van Buren; $\frac{5}{6}$ of Seany, Pope and Conway; $\frac{6}{7}$ of Henton, Johnson and Yell; $\frac{7}{8}$ of Washington and Benton; $\frac{8}{9}$ of Crawford, Franklin and Sebastian; $\frac{9}{10}$ of Crittenden, St. Francis and Woodruff; $\frac{10}{11}$ of Calhoun and White; $\frac{11}{12}$ of Phillips and Monroe; $\frac{12}{13}$ of Parie and Arkansas; $\frac{13}{14}$ of Scott, Folk, Montgomery and Hob Springs; $\frac{14}{15}$ of Hempstead; $\frac{15}{16}$ of Lafayette and Little River; $\frac{16}{17}$ of Union and Calhoun; $\frac{17}{18}$ of Clark, Pike and Searcy; $\frac{18}{19}$ of Columbia; $\frac{19}{20}$ of Ouachita; $\frac{20}{21}$ of Jefferson and Bradley; $\frac{21}{22}$ of Dallas, Saline and Perry; $\frac{22}{23}$ of Ashley, Chicot, Drew and Desho. The Senators and Representatives shall be apportioned among the several Senatorial and Representative Districts as follows, to-wit:

$\frac{1}{4}$ district—1 Senator and four Representatives. $\frac{2}{3}$ district—one Senator and three Representatives.

3^d district—one Senator and four Representatives.
 5th district—one Senator and three Representatives.
 7th district—one Senator and four Representatives.
 9th district—one Senator and four Representatives.
 11th district—two Senators and six Representatives.
 13th district—one Senator and three Representatives.
 15th district—one Senator and three Representatives.
 17th district—one Senator and four Representatives.
 19th district—one Senator and two Representatives.
 21st district—one Senator and two Representatives.

4th district—one Senator and three Representatives.
 6th district—one Senator and three Representatives.
 8th district—one Senator and four Representatives.
 10th district—two Senators and six Representatives.
 12th district—one Senator and four Representatives.
 14th district—one Senator and three Representatives.
 16th district—one Senator and two Representatives.
 18th district—one Senator and three Representatives.
 20th district—two Senators and six Representatives.
 22nd district—two Senators and six Representatives.

ARTICLE XV

MISCELLANEOUS PROVISIONS

Section One. The President of the Convention shall, immediately after the adjournment thereof, cause this Constitution to be deposited in the office of the Secretary of State, and shall transmit a copy of the same to the President of the United States, to be by him laid before the Congress of the United States.

Section Two. In all cases not otherwise provided for in this Constitution, the General Assembly may determine the mode of filling all vacancies in all offices, and of choosing all necessary officers, and shall define their respective powers and duties, and provide suitable compensation for all officers.

Section Three. All general elections shall be held on the Tuesday succeeding the first Monday in November, and shall be biennial commencing at the general election of A. D. 1868; but all officers elected under the provisions of this Constitution and Schedule, except members of Congress, at the election commencing on the 15th day of March, 1868, shall hold and continue in office in accordance with the provisions of this Constitution the same as though elected at the general election to be held on the Tuesday succeeding the first Monday in November, 1868; and no election shall be held for said officers at the general election of 1868.

Section Four. All chartered cities and villages under the laws of this State, shall hold their municipal elections for the year 1868 at such times and places as may be provided in this Constitution and the Schedule to the same.

Section Five. The term of office of all township and precinct officers shall expire thirty days after this

Constitution goes into effect, and the Governor shall thereafter appoint such officers whose term of office shall continue until the General Assembly shall provide by law for an election of said officers.

Section Six. Until the General Assembly shall otherwise provide, a prosecuting attorney for each judicial circuit shall be appointed by the Governor by and with the advice and consent of the Senate, who shall hold his office for the term of four years, and until his successor is chosen and qualified: Provided, That the General Assembly shall not interfere with the term of any appointed prosecuting attorney.

Section Seven. The compensation of Senators and Representatives shall be six dollars per diem, during the first session after the adoption of this Constitution, but may afterwards be prescribed by law: Provided, to increase of compensation shall be proscripted which shall take effect until the period for which the members of the House of Representatives then existing shall have expired.

Section Eight. Senators and Representatives shall receive twenty cents for each mile necessarily traveled in going to, and returning from the seat of Government in attending each session of the General Assembly, until otherwise provided by law.

Section Nine. All salaries, fees and per diem, or other compensation of all State, county, town or other officers within the State, shall be payable in such funds as may by law be receivable for State taxes.

Section Ten. Any public funds set apart by the General Assembly for one purpose, shall not be used for another unless in each case otherwise specially authorized by law.

Section Eleven. This Convention shall appoint not more than three persons, learned in the law, whose duty it shall be to revise and rearrange the statute laws of this State, both civil and criminal, so as to have but one law on any one subject; and, also, three other persons, learned in the law, whose duty it shall be to prepare a code of practice for the courts, both civil and criminal, in this State, by abridging and simplifying the rules of practice and laws in relation thereto; all of whom shall, at as early a day as practicable, report the result of their labors to the General Assembly for their adoption or modification. The General Assembly shall provide suitable compensation for said persons appointed as aforesaid.

Section Twelve. No county now established by law shall ever be reduced by the establishment of any new county or counties, to less than six hundred square miles; nor shall any county be hereafter established which shall contain less than six hundred square miles.

Section Thirteen. No indenture of any person hereafter made and executed out of this State, or if made in this State, where the term of service exceeds one year, shall be of the least validity, except those given in cases of apprenticeships which shall not be for a longer term than until the apprentice shall arrive at the age of twenty-one years, if a male, or eighteen years if a female.

Section Fourteen. All contracts for the sale or purchase of slaves are null and void, and no Court of this State shall take cognizance of any suit founded on such contracts; nor shall any account ever be collected or recovered on any judgment.

or decree which shall have been, or which hereafter may be, rendered on account of any such contract or obligation on any pretext, legal or otherwise.

Section Fifteen. There shall be a great seal of the State which shall be kept and used officially by the Secretary of State and the seal heretofore in use in this State, shall continue to be the great seal of the State, until another shall have been adopted by the General Assembly.

Section Sixteen. Private seals are hereby abolished, and hereafter no distinction shall exist between sealed and unsealed instruments, concerning contracts between individuals. All laws of this State not in conflict with this Constitution, shall remain in full force until otherwise provided by the General Assembly, or until they expire by their own limitation. Nothing herein shall be construed to impair vested rights under provisions of existing laws.

Section Seventeen. All officers of this State, executive, legislative and judicial, before they enter upon the duties of their respective offices, shall take the following oath: "I _____, do solemnly swear (or affirm,) that I am not disfranchised by the Constitution or laws of the United States, or the Constitution of the State of Arkansas, that I will honestly and faithfully support and defend the Constitution and laws of the United States, the Union of States and the Constitution and laws of the State of Arkansas, and that I will honestly and faithfully discharge the duties of the office on which I am about to enter, to the best of my ability. So help me God."

Section Eighteen. The term of all officers elected or appointed under the provisions of this Constitution shall expire on the first day of January, 1873, unless herein otherwise provided.

Section Nineteen. No one shall be precluded from being elected or appointed to any office by reason of having been a delegate to this Convention, or an officer of the same.

Section Twenty. No person shall be allowed or qualified to sit on any jury who is not a qualified elector.

Section Twenty One. The General Assembly may by general law, declare the legal rate of interest upon contracts in which no rate of interest is specified, but no law limiting the rate of interest for which individuals may contract in this State, shall ever be passed.

Section Twenty Two. All Judges and Clerks of Election appointed under provisions of this Constitution, shall take and subscribe to the oath of an elector as provided in Section five, of Article VIII, before they enter upon the duties of said offices; and said judges are hereby authorized to administer the oath to each other and to the clerks; also to administer the same to all electors offering to vote. Said Judges and Clerks shall also swear to discharge their respective duties to the best of their ability according to law. Judges of election may appoint a suitable number of persons, who shall, with themselves, be conservators of the peace, and they are hereby empowered to arrest all offenders.

Any one refusing to act as such when called on by the Judges, shall be subject to a fine of at least one hundred dollars, or imprisonment not less than six months, or both.

SCHEDULE

Section One. On the thirteenth day of March, A.D. 1868, and such successive days as hereinafter provided, an election shall be held for members of the House of Representatives of the United States, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, Superintendent of Public Instruction, Judges of the Supreme Court, members of the General Assembly and all county officers, and also for the submission of this Constitution to the people for their adoption or rejection.

Section Two. Upon the days designated as aforesaid, every qualified elector under the provisions of this Constitution may vote for all officers to be elected under this Constitution at such election, and also for or against the adoption of this Constitution.

Section Three. In voting for or against the adoption of this Constitution the words "For Constitution" or "Against Constitution" shall be written or printed on the ballot of each voter, but no voter shall vote for or against this Constitution on a separate ballot from that cast by him for officers to be elected at said election under this Constitution.

Section Four. A Board of Commissioners is hereby appointed, to consist of James L. Hedges, Joseph Brook, and the President of this Convention, any two of whom shall constitute a quorum to transact business, who shall keep an office for the transaction of business in Little Rock, and who may employ such clerical force as may be necessary; said clerks not to receive more per day for each day actually employed than the per diem paid the assistant secretaries of this Convention, and who are empowered and authorized to appoint, or cause to be appointed suitable persons for judges and clerks of election in each county in this State to hold the election therein for all State and county officers, and for members of the General Assembly and of the House of Representatives of the United States, and also for the ratification of this Constitution. Said election shall be held at such times and places in each county, commencing on the 13th day of March, and continuing on such successive days as the Commissioners may direct, to secure a full and fair vote at such election.

Section Five. The judges of election appointed as aforesaid, shall make returns of the same to said Commissioners in such manner and under such regulations as said Commissioners may prescribe, which returns shall show the number of votes cast at said election for and against this Constitution, and the

number cast for each candidate for the offices provided for in this Constitution and Schedule.

Section Six. Any person contesting the election under this Constitution for any State officer or member of the General Assembly, shall do so before said Board of Commissioners, who shall have power to decide and declare the right to any office contested, and give the candidate legally elected a certificate of the same; Provided, Said Commissioners may, in the cases of members of the General Assembly whose right to the seats may be contested, refer the same to the General Assembly for their determination. Said Board of Commissioners shall appoint the judges and clerks of the municipal elections to be held under the provisions of this Constitution. Said judges shall conduct and make returns of said elections in the manner prescribed by the charter of the city or village in which said municipal election shall be held.

Section Seven. Said Commissioners shall appoint suitable persons as Boards in every county, to hear and decide all cases of contested county elections.

Section Eight. The said Commissioners shall have power to inquire into the fairness or validity of the voting upon the ratification of this Constitution, and to count the votes given at said election, and shall reject all fraudulent or illegal votes cast at said election; and said Commissioners shall also have power, whenever it is made to appear that fraud, fear, violence, improper influence, or restraint, were used, or persons were prevented or intimidated from voting at such elections, to take such steps, either by setting aside the election and ordering a new one, or rejecting votes, or correcting the result in any county or precinct as may in such cases be just and equitable.

Section Nine. The said Commissioners shall declare the result of the election upon the ratification of this Constitution, and if adopted, the President of this Convention shall transmit a certified copy of the same, together with an abstract of the votes cast to the President of the United States, to be by him laid before the Congress of the United States for their approval or rejection, and shall also declare the officers elected thereunder; and if declared ratified, the Constitution shall from and after that date be in full force and effect.

Section Ten. No person disqualified from voting or registering under this Constitution shall vote for candidates for any office, nor shall he be permitted to vote for the ratification or rejection of this Constitution at the polls herein authorized. The Governor and all other officers elected under this Constitution, shall enter upon the duties of their offices when they shall have been declared duly elected by said Board of Commissioners, and shall have duly qualified. All officers shall qualify and enter upon the discharge of the duties of their offices within fifteen days after they have been duly notified of their election or appointment.

Section Eleven. Upon notice of the election or appointment, and qualification of the officers elected or appointed, under this Constitution, the present incumbents of all State, county and city offices shall vacate the same and turn over to the officers so elected or appointed and qualified hereunder, all books, papers, records, monies and documents belonging or pertaining to said office on application made by the officers elected or appointed and qualified under this Constitution.

Section Twelve. Any person may vote at the polls herein authorized for the election of officers and ratification of this Constitution, whom the judges of said election shall be satisfied by oath of the person offering to vote, and such other satisfactory evidence as they may require, is a legally qualified elector under this Constitution; Provided, That the judges of election shall administer to every person offering to vote at said election, the oath prescribed in this Constitution.

Section Thirteen. In the event that either of the three Commissioners, appointed by section four, hereof, should be a candidate for any office, the other two Commissioners shall canvass the vote so far as it relates to that office, and issue the certificate to the person elected.

Section Fourteen. In case of death or any disability of any member or members of said Board of Commissioners, the remaining Commissioner or Commissioners, shall have power to fill such vacancy; and said Commissioner or Commissioners so appointed, shall have full power to act as though originally appointed.

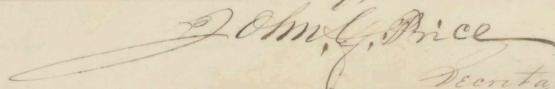
Section Fifteen. Any person selling or giving away intoxicating liquors during the time of the election herein provided for shall be punished by a fine not less than two hundred dollars, for each and every offense, or imprisonment not less than six months, or both.

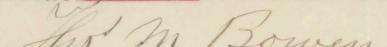
Section Sixteen. Said Commissioners shall provide suitable poll books for each county, and such instructions as may be necessary to carry into effect the provisions of this schedule. Judges and clerks of election thus appointed, shall receive the same per diem as the boards of registers provided for in the act entitled "An act to provide for the more efficient government of the rebel States", passed March 2d, 1867, and acts supplementary thereto.

Section Seventeen. The Commissioners herein appointed, shall receive for their services, for each day actually employed such compensation per day and allowances, and in such manner as are now provided for members of this Convention. All expenses incurred under this schedule, not otherwise provided for, shall be paid out of the appropriation for defraying the expenses of this Convention.

Done in Convention, at Little Rock, the eleventh day of February
in the year of one thousand eight hundred and sixty-eight, and
of the independence of the United States the ninety-second.

In witness whereof, we have hereunto subscribed our names,


John W. G. Price
Secretary


H. M. Bowen
President of the Convention, and
Delegate from the County of Crawford.

Amendment I.

SUBSTITUTED FOR, AND KNOWN AS

ARTICLE VIII.

SECTION I. The following class of persons shall not be permitted to register, vote or hold office in this state: Persons who may have been convicted before any court of this state or of the United States, or of any other state, of any crime punishable by law with death, or confinement in the penitentiary: **PROVIDED**, That any person disfranchised under this section, who may be pardoned or his sentence commuted, such pardon or commutation of sentence shall remove all disabilities imposed by this section; paupers, idiots and insane persons.

SECTION II. Every male person, who has attained the age of twenty-one years, and who is a citizen of the United States, or who has legally declared his intention to become a citizen thereof, who shall have resided in this state six months, and in the County in which he offered his vote ten days next preceding the election, shall be deemed a qualified elector and entitled to vote, if registered, unless disqualifed by some one of the clauses of section one (1) of this article.

SECTION III. In all elections by the people, the electors shall vote by ballot. The secrecy of the ballot shall be preserved inviolate, and the General Assembly shall provide suitable laws for that purpose.

On the day of an election held by the people no elector shall be subject to arrest on any civil process. The General Assembly shall pass adequate laws to prevent the sale of intoxicating liquors on the day on which any election by the people may be held.

George Scott Little River County.

Frank P. Poole, Miss & Crawford Co.

George W. Dale, Independence County.

Peter S. Miner

Clifford Stanley Sims Delegate from De Soto County.

Daniel Crato Delegate from Saint Francis County

J. A. Houghton Delegate from Cross & Poinsett Counties

Franklin Monroe Pennsylvania Pitt County

Solomon Cox Delegate from Clark County

Miles Ledford Langley

Gayle H. Kyle Delegate from Dallas County

Moses Bell Delegate from Sebastian County

John W. Hendtmeier J. D. Delegate from Arkansas County

Elmer Clearedel Arkansas Co

Amos H. Evans Delegate from Monroe County

John L. Garber Delegate from Johnson County

Resee. Millsapz Delegate from Van Buren County

William J. Wyatt Delegate from Sevier and Fulton Counties

Anthony Hinklee Delegate from Conway County

O. P. Smyder Delegate from Jefferson County

Samuel H. Mallon Delegate from Jefferson County

James W. Gray Delegate from Jefferson County

Joseph Brooks Phillips County

Thomas Smith

William H. Gray

James B. White

Darley H. Williams Delegate from Marion and Benton

Robert Watfield Delegate from Franklin County

John W. Garrison Delegate from Hot Spring Co

James H. Mason Delegate from Chicot County

George W. McCown Delegate from Columbia County

William G. Hollis Delegate from Calhoun Co

James L. Hodges Delegate from Pulaski Co

James Birds Delegate from Faulkner Co

Henry Hector Delegate from Pulaski County

Thomas P. Jackson Delegate from Pulaski County

John C. Priddy Delegate from Montgomery Co

Ara H. Woods Delegate from Crittenden Co.

F. M. Sams Delegate from Madison County

Charles H. Oliver Delegate from Scott County

Nathan A. Rawlings from Ouachita Co

W. R. W. (W.W.) Delegate from Hempstead County

Solomon A. Borden Delegate from Hempstead County

Richard Sarsueh

R C Clark Jr Delegat from Union County

Fra S Wilson

Walter W Brusham Delegat from Pope County

Alfred M Merrick Delegat from Lafayette County

A William A Beasley Delegat from Columbia
^{County}

James P Pontis delegat from Meckella County

Monroe Hawkins Delegat from Lefayette County

Wm Murphy Delegat from Jefferson County